

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RAEQUAN BATTLE,

Plaintiff,

v.

**Civil Action No. 1:23-cv-101
Hon. John P. Bailey**

**NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,**

Defendant.

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiff respectfully moves this Court for a Temporary Restraining Order and Preliminary Injunction pursuant to Fed. R. Civ. P. 65 enjoining the NCAA from enforcing any and all rules deeming Plaintiff ineligible from playing basketball immediately at West Virginia University and enjoining the NCAA from enforcing the so-called “Restitution Rule.” Absent such protection, Plaintiff will suffer irreparable harm.

In support of his Motion, Plaintiff attaches a Memorandum in Support of this motion and the following exhibits:

Ex. 1, Declaration of Plaintiff.

Ex. 2, NCAA Division I 2023-2024 Manual.

Ex. 3, NCAA Division I Committee for Legislative Relief Information
Standards, Guidelines and Directives (Updated January 11, 2023).

Ex. 4, Communications From Montana State University’s Counseling &
Psychology Services (placeholder for sealed exhibit).

Ex. 5, Statement from Nashely Rodriguez (placeholder for sealed exhibit).

Ex. 6, Statement from Danny Sprinkle (placeholder for sealed exhibit).

Ex. 7, Statement from Plaintiff (placeholder for sealed exhibit).

Ex. 8, Plaintiff's care plan (placeholder for sealed exhibit).

Ex. 9, Letter from Anthony Oronato (placeholder for sealed exhibit).

Ex. 10, WVU/NCAA Student-Athletic Certification Form (placeholder for sealed exhibit).

Ex. 11, Montana State Athletic Director Statement.

Ex. 12, Montana State University Mental Health records (placeholder for sealed exhibit).

Ex. 13, Application for Waiver.

Ex. 14, Letter from Anthony Oronato (placeholder for sealed exhibit).

Ex. 15, Letter from Josh Eilert (placeholder for sealed exhibit).

Ex. 16, Letter from Jeremiah Hopkins (placeholder for sealed exhibit).

s/ John Gianola

John F. Gianola (W.Va. Bar #10879)
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Counsel for Plaintiff

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CERTIFICATE PURSUANT TO FED. R. CIV. P. 65(b)(1)(B)

I, John Gianola, certify that I have contacted counsel for Defendant and (1) on December 8, 2023, provided Defense counsel with copy of the complaint filed in this matter via e-mail; (2) on December 11, 2023, spoke with defense counsel regarding a hearing set in a related matter on Wednesday, December 13, 2023; (3) on December 11, 2023, informed Defense counsel that Plaintiff intended to seek a preliminary injunction in this matter and for the motion to be heard Wednesday, December 13, 2023; (4) on December 12, 2023, provided Defense counsel a copy of this motion along with the attendant memorandum in support of and supporting exhibits.

I certify that these efforts were made to give Defendant notice and that not other reasonable steps could have been taken to give Defendant notice of this issue.

s/ John Gianola
John F. Gianola (W.V. Bar #10879)

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CERTIFICATE OF SERVICE

I, John F. Gianola certify that on December 12, 2023, I served a copy of the foregoing **Motion For Temporary Restraining Order And Preliminary Injunction** with attendant memorandum in support and exhibits by electronic means to the following:

Benjamin Bailey
Bailey Glasser LLP
209 Capitol Street
Charleston, WV 25301

Counsel for Defendant

Philip Bartz
Bryan Cave Leighton Paisner LLP
1155 F Street NW, Suite 700
Washington, DC 20004

Counsel for Defendant

s/ John Gianola
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